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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,085	01/13/2004	Klaus Bartelmuss	WRA-33996	3110
24131	7590	06/05/2006	EXAMINER	
LERNER GREENBERG STEMER LLP			HUG, ERIC J	
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1731

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/756,085	Applicant(s) BARTELMUSS ET AL.	
	Examiner Eric Hug	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 1, the two-part transverse webs are described as "having at least two parts". This is open to transverse webs having three or more parts. It is unclear how a supporting and wiping device having transverse webs with more than two parts would be structured in the present invention. It is also unclear how more than two parts would be arranged with respect to the others.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are those between the two parts of the transverse webs. The claim language of claim 1 is open to any configuration or orientation of web parts. This affects the

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meaning of "displaceably disposed". For example, if two web parts are "displaceably disposed" in a side-by-side relationship, then this is different from the relationship disclosed in the specification wherein one web part rests over another.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "two-part transverse webs having at least two parts" in claim 1 is unclear, because it is not understood how a two-part transverse web can have more than two parts. As a result, claims 4, 5, and 7-10 lack antecedent basis for the recited limitation "said two parts of said transverse webs".

Claim 6 recites "wherein said voids of said parts of said transverse webs of said supporting and wiping strips are undercut" (emphasis added). It appears this phrase is in error.

Claims 6 and 7 recite "said carrying strips". There is insufficient antecedent basis for this limitation.

Claim 9 recites "said first plate" and "said first part". There is insufficient antecedent basis for these limitations.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Robinson (US 3,194,729).

Robinson discloses a suction box top for supporting a running wire of a paper making machine. The suction box top comprises supporting webs 11 which run longitudinally between the forward and rearward ends of the box (12 and 13) and are displaced from one another in the transverse direction, voids (slots 15) formed in each of the supporting webs, and a plurality of supporting and wiping strips (legs 17, 18, cover 20) mounted in the slots. The slots are arranged so that the legs mounted therein are mutually aligned in any direction. The figures show the legs running perpendicular to the longitudinal direction. Instead of slots, projections may be used to support the legs. See column 3, lines 10-24.

The suction box top is effectively a supporting and wiping device, as it contacts the running wire and serves to dewatering a forming paper web. The forward and rearward ends (12, 13) and webs (11) effectively make up the carrier portion of the device, wherein the forward and rearward ends are support beams for the webs which are mounted in between.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Corbellini (US 4,957,598).

Corbellini discloses a suction box cover with modular components. The cover has a frame member defined by side members 11, 111, a plurality of blades 13 each comprised of a carrier portion 18 and a portion 19 which contacts a moving wire 31, and staffs 12 (equivalently webs) which span between the side members in the longitudinal direction (wire moving direction 16), and are spaced from one another in the transverse direction. Blades 13 are mounted within slots 17 (equivalently voids, recesses) formed in the staffs 12.

Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by McPherson (US 5,630,910).

McPherson discloses clip type fasteners for releasably attaching paper machine fabric contacting elements such as dewatering foils and blades to their supporting structures. The fasteners are provided with two slots, which are press-fit onto the elements and onto the support structure. Figure 1 shows a fastener 2 having slots engaging a fabric contact element 1 and a support member 3 of the supporting structure of a dewatering box. The contact element 1 extends in the cross-machine direction. The fasteners 2 and support member 3 extends in the machine direction. Figure 1 also shows a second contact element 4 attached to the same support member 3 by a second fastener 5. There are several support members 3 which are spaced from each other in the cross-machine direction. The fasteners 2 and support members 3 are effectively two-part transverse webs. In Figure 6, several contact elements installed into fasteners are shown. Also shown are the support structure frame members 24 and 25 at opposite ends.

Figures 2-5 show the slots of the fasteners 2. It is apparent that the fasteners have slots which are undercut and the elements have widening free ends.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Simmons et al (US 5,076,894).

Simmons discloses a suction box apparatus with composite cover elements mounted in slots on cross braces. The suction box cover is formed by spaced cover elements 14 which extend across the width of a porous conveyor belt (wire) 16. The conveyor belt conveys a paper web 18 across the suction box cover for removing water from the paper web. The cover elements 14 are structures formed by cover strips 22 (wiping strips), whose upper surface contacts conveyor belt 16. The cover strips 22 are fixed to support members 24. Central support members 24 and two outer support members 24A and 24B are each provided with a mounting projection 30 on the bottom which are configured to mate with mounting slots 32 provided in cross braces (webs) 34. The cross braces extend between the outer support members 24A and 24B in a direction longitudinally of the conveyor belt 16. The opposite ends of the cross braces 34 are fastened to the outer support members 24A and 24B by means of bolts 38. The cross braces 34 are provided with tapered top portions 40 between each of the mounting slots 32 (thereby being a two-part transverse web). The mounting slots and corresponding mounting projections have a dovetail shape or T-shape (thereby being undercut slots and projections).

Allowable Subject Matter

Claims 8-10 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

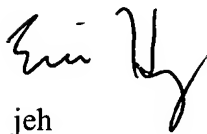
The claims would be allowable for reciting that the two parts of the transverse webs rest on one another with mutually offset recesses and projections as per claim 8 or wherein one of the transverse web parts is a double-walled plate that surrounds the other web part as per claim 9.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


jeh